

**REMARKS**

Claims 58-130 are pending in the application.

Claims 98-103, 108 and 109 stand rejected under 35 USC § 103(a) as being unpatentable over Muehlberger '844 in view of Percy '476. Applicant respectfully traverses this rejection.

Independent claim 98 has been amended to require that the vending machine comprise: a plurality of dispensing mechanisms, each configured to respectively dispense a product selected by a consumer, at least one of the dispensing mechanisms configured to dispense a product having at least one of a different size and a different shape as compared to a product dispensed by another of the dispensing mechanisms; and an optical vend-sensing system configured to sense when said selected product passes through said vend space regardless of the size, shape and from which dispensing mechanism the selected product was dispensed. Neither Muehlberger nor Percy, alone or in combination, disclose or suggest such a vending machine.

Muehlberger discloses a vending machine having a plurality of helical storage racks 76, each being associated with a respective sensor 80 has been vended but before the product has passed through the vend space. There is no teaching or suggestion that the products to be vended be of different sizes and/or shapes or that the mechanisms be configured to dispense products of different sizes and/or shapes. Percy discloses a beverage vending machine which includes a plurality of dispensing mechanisms 40. There is no teaching or suggestion that the products vended by different of the dispensing mechanisms 40 be of different sizes and/or shapes. Therefore, independent claim 98 is not anticipated or rendered obvious by the Muehlberger or Percy, alone or in combination with one another, and it is respectfully requested that this rejection of claim 98 be

withdrawn. Claims 99-114 are believed allowable for the reasons given above and for the further limitations contained therein and it is respectfully requested that the rejection of these claims also be withdrawn.

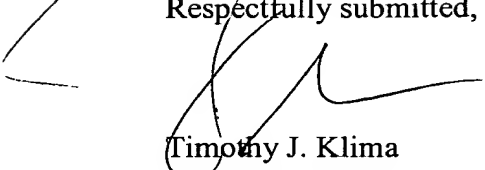
Claims 58 and 98 have been amended to conform the language used with respect to the "transparent front" to the same language used in claims 78 and 115.

Claims 58-130 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of US Patent No. 6,384,402. Applicant respectfully traverses this rejection.

Each of claims 58-130 is directed either to a vending machine having "a transparent front" or to an optical vend-sensing system configured to sense when a product selected by a consumer is dispensed in a transparent front vending machine" (emphasis added). Transparent front vending machines are a specific type of vending machine allowing the consumer to view the actual product to be selected and dispensed, or a sample thereof, thereby allowing the consumer to determine whether they wish to select that product. Other vending machines do not allow the consumer to view the selectable products. None of claims 1-51 of the '402 patent is limited to, or for use with, a transparent front vending machine. In view of this, it is respectfully requested that this rejection be withdrawn.

In view of the above amendments and remarks, Applicants submit that the claims, as presented above, are in condition for immediate allowance. A notice to that effect is earnestly solicited. Should anything else be needed to place the application in condition for allowance, the Examiner is kindly requested to contact the undersigned at the phone number below.

Respectfully submitted,

  
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231 on February 21, 2003.

  
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Timothy J. Klima

APPENDIX

(Showing changes made)

In the claims:

58. (Amended) A vending machine, comprising:

- a transparent front [portion allowing display of products to be vended];
- a dispensing mechanism configured to perform vending operations in order to dispense a product selected by a consumer;
- a vend space comprising a portion of the space in said vending machine through which said selected product will automatically fall into a bin portion for retrieval by the consumer; and
- an optical vend-sensing system configured to sense when said selected product passes through said vend space, said optical vend-sensing system including,
  - an emitter mechanism configured to generate electromagnetic radiation that substantially spans said vend space, and
  - a detector mechanism configured to receive said electromagnetic radiation generated by said emitter mechanism and to detect changes in said electromagnetic radiation caused by said selected product passing through said vend space.

98. (Amended) A vending machine, comprising:

- a transparent front [portion allowing display of products to be vended];
- a plurality of dispensing mechanisms, each [mechanism] configured to respectively dispense a product selected by a consumer, at least one of the dispensing

mechanisms configured to dispense a product having at least one of a different size and a different shape as compared to a product dispensed by another of the dispensing mechanisms;

a vend space comprising a portion of the space in said vending machine through which said selected product will automatically fall into a bin portion for retrieval by the consumer;

an optical vend-sensing system configured to sense when said selected product passes through said vend space regardless of the size, shape and from which dispensing mechanism the selected product was dispensed; and

a control mechanism configured to control said dispensing as a function of when said optical vend-sensing system senses said product passing through said vend space.

99. (Amended) The vending machine of claim 98, wherein at least one said dispensing mechanism includes a dispensing member configured to move in a dispensing direction and to release said selected product.

103. (Amended) The vending machine of claim 100, wherein said at least one dispensing mechanism concludes dispensing of said selected product before dispensing a subsequent product associated therewith.